

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

MCDANIEL WEATHERSBY

PETITIONER

v.

CIVIL ACTION NO. 3:12-CV-95-CWR-LRA

VINCENT HORTON

RESPONDENT

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The above-styled matter is before the Court on the Report and Recommendation of Magistrate Judge Linda R. Anderson, Docket No. 11, concerning the Respondent's Motion to Dismiss Pursuant to § 2244(d), Docket No. 10. On January 11, 2013, Judge Anderson recommended that the motion be granted and, pursuant to Federal Rule of Civil Procedure 72(b)(2), commanded the parties to lodge any objections to her recommendation within 14 days. Docket No. 11, at 5-6. That period has expired, and neither party has voiced any objection.

The findings of fact and conclusions of law contained within the Report and Recommendation are, therefore, adopted fully herein by reference, and the Motion to Dismiss is granted. A Final Judgment will be entered in accordance with this Order.

SO ORDERED, this the 20th day of February, 2013.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE